

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERIC C. GRIMM,

Plaintiff,

v.

RAW STORY MEDIA, INC., THE HERALD PUBLISHING COMPANY, LLC, MLIVE MEDIA GROUP, F/K/A BOOTH NEWSPAPERS, INC., NEWSLO, STEPHEN KLOOSTERMAN, KEVIN EVEN, PAUL SHIBLEY, BRIANNA SCOTT, DAVID BOSSENBROEK, MATT J. ROBERTS, DAVID SHAFER, BARTON DIETERS, GREGORY C. PITTMAN, WILLIAMS/HUGHES, PLLC, DOUGLAS HUGHES, THEODORE N. WILLIAMS, JR., TIMOTHY HICKS, WILLIAM MARIETTI, KATHY HOOGSTRA, ROBERT CARTER, RAYMOND KOSTRZEWKA, LINNEA KOSTRZEWKA, MARK T. BOONSTRA, NEIL MULLALLY, VICKI BROGE, AND THE COUNTY OF MUSKEGON,

Defendants.

Case No. 17-cv-654

Hon. Gordon J. Quist

DEFENDANTS STEPHEN KLOOSTERMAN, MLIVE MEDIA GROUP, AND THE HERALD PUBLISHING COMPANY, LLC D/B/A THE MUSKEGON CHRONICLE'S MOTION TO DISMISS THE FIRST AMENDED COMPLAINT UNDER FED. R. CIV. P. 12(b)(6)

ORAL ARGUMENT REQUESTED

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HERALD PUBLISHING COMPANY, LLC D/B/A THE MUSKEGON CHRONICLE'S
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT UNDER FED. R. CIV. P.
12(b)(6)**

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Defendants Stephen Kloosterman ("Kloosterman"), MLive Media Group, an unincorporated division of The Herald Publishing Company, LLC, d/b/a Muskegon Chronicle (the "MLive"), and The Herald Publishing Company, LLC, d/b/a Muskegon Chronicle (the "Herald") (together, the "MLive Defendants" or simply "MLive"), through their attorneys, Dykema Gossett PLLC, hereby move pursuant to Fed. R. Civ. P. 12(b)(6) for dismissal of Plaintiff's First Amended Complaint (RE 7) in its entirety with prejudice as against the MLive Defendants. Pursuant to W.D. Mich. LCivR 7.1(d), counsel for the MLive Defendants sought concurrence with this motion from Plaintiff on November 2, 2017, but no concurrence was reached. In support of their motion, the MLive Defendants submit the accompanying Brief.

WHEREFORE, for the reasons stated in the accompanying Brief, the MLive Defendants respectfully request that the Court (1) grant this motion to dismiss under Fed. R. Civ. P. 12(b)(6); (2) dismiss Plaintiff's First Amended Complaint against the MLive Defendants with prejudice; (3) enter judgment for the MLive Defendants; and (4) grant such further relief as the Court deems just.

Dated: November 2, 2017

Respectfully submitted,
DYKEMA GOSSETT PLLC

Attorneys for the MLive Defendants

By:/s/ Mark J. Magyar (P75090)
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